



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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October 2, 2015

Mr. Douglas J. May
Travelers Staff Counsel Office
625 Eden Park Drive, Suite 510
Cincinnati, OH 45202

Re: Formal Complaint 15-FC-234; Alleged Violation of the Access to Public Records Act by the Washington Township Avon Fire Department

Dear Mr. May,

This advisory opinion is in response to your formal complaint alleging the Washington Township/Avon Fire Department ("AFD") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* AFD has responded to your complaint via Mr. Anthony Joust and Mr. Andrew Norris. Their response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on April 14, 2015.

Your complaint dated August 4, 2015 alleges the Washington Township/Avon Fire Department violated the Access to Public Records Act by failing to provide the records you requested.

This complaint is a continuation of your previous complaint 15-FC-130, which is incorporated for reference.

On June 24, you submitted an APRA request to AFD, seeking records pertaining to a fire investigation conducted relative to a fire at the Travelers Insured Property in Avon. Travelers requested information regarding the cause and origin of the fire.

On September 1, counsel responded to your complaint, stating it was untimely.

It appears as if the AFD disregarded my suggestions and recommendations in favor of a legalistic procedural argument. While I am disappointed that the AFD has resorted to a timeliness claim and not addressed the underlying substantive issue, this Office is merely advisory in nature and only issues opinions in the hope to persuade agencies to follow the spirit of the Indiana Access laws. I have not power or jurisdiction to enforce those laws or



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compel an agency to release a record. That said, it is my sincere hope that AFD revisit this issue in a light most favorable to transparency.

Regards,

A handwritten signature in black ink, appearing to read "LHB", written over a horizontal line.

Luke H. Britt
Public Access Counselor

Cc: Mr. Anthony Joust
Mr. Andrew Norris